

Message Text

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ACTION L-03

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FM AMEMBASSY DAKAR

TO SECSTATE WASHDC NIACT IMMEDIATE 2078

C O N F I D E N T I A L DAKAR 5021

E.O. 11652: GDS

TAGS: CPRS, PFOR, SNAR, AF

SUBJ: RETURN OF DOMINIQUE ORSINI TO UNITED STATES

REF: STATE 203509

1. WITH VIEW TO OBTAINING DOCUMENTATION REQUESTED IN REFTEL, EMBASSY HAS PREPARED FOLLOWING NOTE WHICH IT PROPOSES TO DELIVER TO GOS FOREIGN MINISTRY. EMBASSY WOULD APPRECIATE DEPARTMENT'S CONCURRENCE IN DRAFT TEXT, GIVING PARTICULAR ATTENTION TO DESIRABILITY OF INCORPORATING IN THIS NOTE ALL ANTICIPATED REQUIREMENTS FOR DOCUMENTATION IN SUPPORT OF LEGAL PROCEEDINGS:

2. QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF SENEGAL AND HAS THE HONOR TO REFER TO ITS NOTES NO 188 OF AUGUST 11, 1975, NO 199 OF AUGUST 22, 1975, AND NO 200 OF AUGUST 23, 1975 CONCERNING DOMINIQUE ORSINI.

THE UNITED STATES GOVERNMENT TAKES GREAT SATISFACTION IN THE EFFECTIVE COLLABORATION BETWEEN ALL CONCERNED PARTIES IN BRINGING TO JUSTICE THIS IMPORTANT INTERNATIONAL NARCOTICS TRAFFICKER. THE PRODUCTIVE COOPERATION BETWEEN OUR TWO GOVERNMENTS IN THIS MATTER DEMONSTRATES OUR SHARED RECOGNITION OF THE IMPORTANCE OF SUPPRESSING ILLICIT TRAFFIC IN DANGEROUS DRUGS.

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DOMINIQUE ORSINI WAS ARRAIGNED BEFORE THE UNITED STATES

DISTRICT COURT OF THE EASTERN DISTRICT OF NEW YORK AT 2:30 P.M. ON AUGUST 25, 1975, AND ORDERED REMANDED TO THE CUSTODY OF US MARSHALS. BAIL WAS SET INITIALLY AT \$2.5 MILLION, BUT LATER REDUCED TO \$1.5 MILLION ON THE PETITION OF THE COUNSEL APPOINTED BY THE COURT TO DEFEND ORSINI. THE COURT HAS GRANTED THE DEFENSE THIRTY DAYS TO FILE PRE-TRIAL MOTIONS.

IN CONNECTION WITH THESE LEGAL PROCEEDINGS, THE UNITED STATES GOVERNMENT SEEKS THE ASSISTANCE OF THE GOVERNMENT OF SENEGAL IN OBTAINING CERTAIN DOCUMENTATION CONCERNING THE DEFENDANT'S DETENTION IN, AND HIS DEPARTURE FROM, SENEGAL.

IN PARTICULAR, THE UNITED STATES GOVERNMENT ASKS THAT THE GOVERNMENT OF SENEGAL PROVIDE THE EMBASSY A STATEMENT OF THE LEGAL BASIS UNDER THE LAWS OF SENEGAL ON WHICH ORSINI WAS ARRESTED AND DETAINED. IT WOULD BE HELPFUL IF THE UNITED STATES GOVERNMENT COULD BE INFORMED WHETHER ORSINI'S DEPARTURE FROM SENEGAL CONSTITUTED EXPULSION, EXTRADITION OR SOME OTHER SOVEREIGN ACT BY THE GOVERNMENT OF SENEGAL.

THE EMBASSY ALSO HAS BEEN INSTRUCTED TO REQUEST A CERTIFIED STATEMENT BY THE SENEGALESE PHYSICIAN WHO TREATED THE SELF-ADMINISTERED WOUNDS SUSTAINED BY ORSINI IMMEDIATELY BEFORE HIS DEPARTURE FOR THE UNITED STATES. A HOSPITAL REPORT DESCRIBING THE DOCTOR'S EXAMINATION AND TREATMENT OF ORSINI SHOULD MEET THIS REQUIREMENT. IN ORDER FOR SUCH DOCUMENTATION TO BE ADMISSIBLE IN UNITED STATES COURTS IT SHOULD BE SUPPLIED EITHER IN ORIGINAL FORM OR BE IN A FORM WHICH IS CERTIFIED TO BE A TRUE COPY BY APPROPRIATE SENEGALESE GOVERNMENT OFFICIALS.

UNDER U.S. LAW, IT IS IMPORTANT THAT THE PROSECUTION BE ABLE TO ESTABLISH THAT THERE WAS NO ADVERSE TREATMENT OF ORSINI DURING HIS DETENTION IN SENEGAL WHICH TOOK PLACE PURSUANT TO THE REQUEST OR KNOWLEDGE OF THE UNITED STATES GOVERNMENT. THE EMBASSY BELIEVES THAT FOR THE LEGAL PROCEEDINGS IN THIS CASE IT WOULD BE USEFUL TO RECEIVE FROM THE GOVERNMENT OF SENEGAL A PRO FORMA STATEMENT THAT THE UNITED STATES GOVERNMENT DID NOT ASK THE GOVERNMENT OF

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SENEGAL TO CARRY OUT ANY ADVERSE TREATMENT DURING ORSINI'S DETENTION IN DAKAR.

THE DEFENDANT HAS ALLEGED THAT CERTAIN SUMS OF MONEY AND OTHER PERSONAL ARTICLES WERE CONFISCATED FROM HIM WHEN HE WAS TAKEN INTO CUSTODY. THE EMBASSY BELIEVES THAT THE DISPOSITION OF ANY SUCH PROPERTY IS PROPERLY A MATTER TO BE SETTLED DIRECTLY BETWEEN THE GOVERNMENT OF SENEGAL AND

ORSINI, POSSIBLY THROUGH HIS LEGAL COUNSEL OR THE EMBASSY OF FRANCE. IF THE GOVERNMENT OF SENEGAL, HOWEVER, WISHES TO FORWARD ORSINI'S POSSESSIONS THROUGH THE UNITED STATES GOVERNMENT, THE EMBASSY WOULD BE PREPARED TO ACCEPT THE PROPERTY AND FORWARD IT TO THE PROPER AUTHORITIES IN THE UNITED STATES. THE EMBASSY WISHES AGAIN TO EXPRESS ITS APPRECIATION FOR THE ASSISTANCE OF THE GOVERNMENT OF SENEGAL IN THIS MATTER, AND TAKES THIS OCCASION TO RENEW TO THE MINISTRY THE ASSURANCE OF ITS HIGHEST CONSIDERATION. UNQUOTE.
AGGREY

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